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GULF INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JAMES A. HARRIS

Plaintiff,

v.

GULF INSURANCE COMPANY

Defendant.

) Case No. C 01 4906 CW

)

) Hon. Claudia Wilken

)

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO CONTINUE SCHEDULE**
) **FOR MOTION FOR SUMMARY**
) **JUDGMENT**

)

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MICHAEL J. STONE,

)

)

Plaintiff/Intervenor.

)

)

This Stipulation is entered into by plaintiff James A. Harris, plaintiff/intervenor Michael J. Stone, and defendant Gulf Insurance Company, by and through their respective counsel of record.

WHEREAS, on July 8, 2005, a case management conference proceeded in this matter before Judge Wilken;

WHEREAS, at the case management conference, Judge Wilken ordered the parties to pursue settlement negotiations aimed at effectuating the disposition of this action, including but not limited to a disposition that would facilitate Gulf's stated intent to appeal Judge Wilken's

1 prior ruling on the interpretation of Gulf's Insured versus Insured Exclusion;

2 WHEREAS, the parties have in good faith engaged in serious settlement discussions
3 since the time of the case management conference such that it now appears possible that a
4 mutually acceptable resolution of this action which will facilitate Gulf's appeal can be arrived at
5 between the parties;

6 WHEREAS, at the case management conference, Judge Wilken also ordered defendant
7 Gulf to file its motion for summary judgment on the Genuine Dispute Doctrine by July 29, 2005,
8 for a hearing date on September 2, 2005;

9 WHEREAS, the Parties subsequently stipulated, and Judge Wilken ordered, that the
10 schedule for defendant Gulf's motion for summary judgment be continued two weeks so that the
11 Parties could further negotiate settlement such that the deadline to file the motion was continued
12 to August 12, 2005 and the hearing date was set for September 16, 2005; and

13 WHEREAS, the Parties have mutually agreed that the interests of the Parties and judicial
14 economy would be best served by continuing the schedule for Gulf's motion for summary
15 judgment for another two weeks in order to allow the Parties to focus their efforts on their
16 attempt to work out a negotiated disposition of the action;

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 18 1. The prior briefing schedule for Gulf's motion for summary judgment is hereby
19 vacated; and
- 20 2. Gulf shall file its motion for summary judgment on or before August 26, 2005,
21 which motion shall be set for hearing on September 30, 2005.

22 SO STIPULATED:

23 DATED: August 8, 2005

TUCKER ELLIS & WEST LLP

24
25
26 By: _____/S/_____
Peter J. Koenig
Alec Boyd
Attorneys for Defendant
27 GULF INSURANCE COMPANY
28

Stipulation and Order

1 DATED: August 8, 2005

HELLER EHRMAN WHITE & MCAULIFFE

2
3 By: _____/S/_____
4 Stephen N. Goldberg
5 Celia M. Jackson
6 Attorneys for Plaintiff
JAMES A. HARRIS

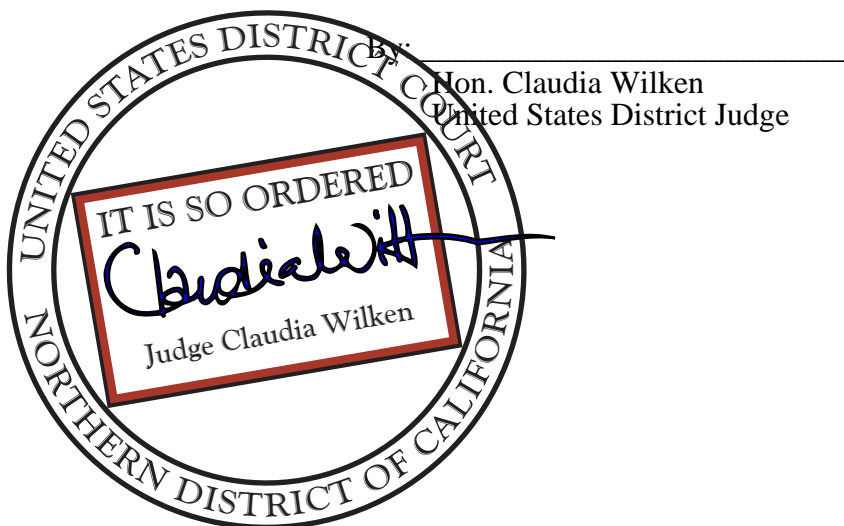
7 DATED: August 8, 2005

JEFFER MANGELS BUTLER & MARMARO

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9 By: _____/S/_____
10 Julia J. Rider
11 Attorneys for Plaintiff/Intervenor
12 MICHAEL J. STONE
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15 SO ORDERED: The FCMC is also continued to 9/30/05.

16 DATED: August 10, 2005



Stipulation and Order